



DEPARTMENT OF VETERANS AFFAIRS
Veterans Health Administration
810 Vermont Avenue, NW
Washington, DC 20420

January 9, 2019

FOIA Request No.: 19-02704-F

O. Glenn Stahl
MuckRock.com
65150-50584447@requests.muckrock.com

Dear O. Glenn Stahl:

This letter is in response to your December 9, 2018 request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to the Department of Veterans Affairs (VA), Veterans Health Administration (VHA) Central Office FOIA Office in which you requested all emails, memoranda, IMs, text messages, and any other electronic storage media between the following individuals regarding discussions and exchanges on Office of Information Technology; HRMACS, Human Resources Management and Consulting Services, Position Descriptions, PDs, Human Capital Management, HCM, Office of Human Resources Management from January 1, 2017 to December 6, 2018:

1. Nathan Maenle
2. Carin Otero
3. Jessica Bonjorni
4. Mari Beck
5. David Perry
6. Tamarlin Barner
7. Derrick St. Julien
8. Nate Darden

My office received your request on December 10, 2018.

On December 19, 2018, you provided clarification to include the search terms of "Office of Information Technology (OIT); Human Capital Management; Valman Cummins; John Oswalt; Susan Perez; Joe Angelo; Job Series 0304; HRMACS (Human Resources Management and Consulting Services); Position Classifications (PDs) and Job Rescinded.

The FOIA, 5 U.S.C. § 552(A)(4)(a)(II), places all FOIA requesters in one of three categories for fee purposes. The three categories of FOIA requesters are commercial use requesters; educational institutions, noncommercial scientific institutions, and representative of the news media; and all other requesters. I have determined your request as an "all other" request. VA FOIA implementing regulations found at 38 C.F.R. §1.561 state that the requester will be charged search fees for all time spent searching for responsive records, except the first two hours of search time are fee and for the cost of reproduction of the records only, excluding the charges for the first 100 pages. 38 C.F.R. § 1.561(d)(2) states when a duplication fee applies, the FOIA Officer will charge a fee of 15 cents per one-sided page for a paper photocopy

of a record and for other forms of duplication, including electronic copies, the FOIA Officer will charge the direct costs of that duplication. 38 C.F.R. § 1.561(e)(5) states whenever a total fee calculated under (d) of this section is less than \$25, no fee will be charged. Moreover, the “all other” requester will be charged the cost of searching for and the cost of reproduction of the records even if there is ultimately no disclosure of records.

My determination to classify this request as an all other requester is based on the information provided within your FOIA request in which you indicate the requested documents will be made available to the general public and this request is not being made for commercial purposes. Based upon this information, it should be noted that merely making the information received available to the public (or others) is not sufficient to qualify as a news media requester. *See Nat'l Sec. Archive, 880 F.2d at 1386 (finding that “making information available to the public...[is] insufficient to establish an entitlement to preferred [fee] status”).*

The estimated fees associated with processing your request is **\$1,585.92**. Enclosed is a copy of the fee invoice for providing the requested information for all emails, memoranda, IMs, text messages, and any other electronic storage media between the following individuals regarding discussions and exchanges on Office of Information Technology; HRMACS, Human Resources Management and Consulting Services, Position Descriptions, PDs, Human Capital Management, HCM, Office of Human Resources Management from January 1, 2017 to December 6, 2018:

9. Nathan Maenle
10. Carin Otero
11. Jessica Bonjorni
12. Mari Beck
13. David Perry
14. Tamarlin Barner
15. Derrick St. Julien
16. Nate Darden

In accordance with 38 C.F.R. §1.561(l)(2), when a FOIA Officer estimates that a total fee to be charged is more than \$250, the FOIA Officer may require the requester to make an advanced payment of an amount up to the amount of the entire anticipated fee before beginning to process the request. Consequently, you must pay the estimated fees stated above before we perform any more work to process your request. Please be advised that the actual FOIA fees could exceed or fall below the estimated amount upon final tabulation. If the actual fees are not \$1,585.92 an appropriate adjustment will be made for any difference upon completion of processing your request.

Please understand that if VHA finds records responsive to your request and if a FOIA exemption authorizes withholding those records in whole or in part, VA may not release the records to you even though you have pre-paid the search fees to locate those records.

If you wish to reformulate your request to lower the estimated fees, you may contact me by telephone at (319) 530-7694 to discuss this option.

Otherwise, please send a check or money order in the amount of \$1,585.92 made payable to “Department of the Treasury”, to the address listed below and I will finish processing your request and will disclose all releasable responsive records in our custody. The mailing address to submit your payment is:

Department of Veterans Affairs
VHA FOIA Office (10A7)
810 Vermont Avenue, N.W.
Washington, D.C. 20420

In accordance with 38 C.F.R. §1.561(h)(2), if I have not received a response within 10 business days of the date of this letter, January 23, 2019 then I will have to conclude that you do not wish for me to proceed with processing your request and will administratively close the file on this request.

Please be advised, you may appeal the fee determination to:

Office of the General Counsel (024)
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, D.C. 20420
Email: ogcfoiaappeals@va.gov


If you should choose to file an appeal, your appeal must be postmarked or electronically transmitted no later than ninety (90) calendar days from the date of this letter. Please include a copy of this letter with your written appeal and clearly state why you disagree with the determinations set forth in this response.

In addition to filing an appeal with the Office of General Counsel regarding my determination, you may also seek assistance and/or dispute resolution services regarding your FOIA request from VHA's FOIA Public Liaison and or Office of Government Information Services (OGIS) as provided below:

VHA FOIA Public Liaison:
Email Address: vhafioa2@va.gov
Phone Number: (877) 461-5038

Office of Government Information Services (OGIS)
Email: ogis@nara.gov
Fax: (202) 741-5769
Mailing address: Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Thank you for your interest in VA. If you have any further questions, please feel free to contact me at (319) 530-7694.

Sincerely,

Amber Heim
VHA FOIA Officer

Fee Invoice